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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,600	05/23/2001	Luc Attimont	Q64570	8352

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EXAMINER

FERGUSON, KEITH

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 11/20/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/862,600

Applicant(s)

ATTIMONT ET AL.

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9<sup>10</sup> is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9<sup>10</sup> is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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DETAILED ACTION

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Parkkila.

The claimed invention reads on Parkkila as follows:

Regarding claim 1, Parkkila discloses a method (fig. 3) of connecting to a radiocommunication network (fig. 1) a terminal (mobile station) which is in a standby mode (idle mode) because of temporary unavailability (loss of service) of the signal from the network (claim 1 lines 23-33), said method including a step of periodically scanning (i.e. the mobile station regularly looks to determine if there is a better cell in the term of reselection criteria by performing a measurement procedure) (col. 6 lines 56-

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67, col. 7 lines 37-51 and claim 1 lines 27-55) frequencies of said radiocommunication network using one sequences (i.e. a measurement procedures on BCCH carriers that were included in the last BCCH carrier allocation received from the network) (col. 7 lines 48-53) each associated with a predetermined list (neighboring list or BA) (col. 7 lines 21-23, col. 7 lines 48-53, claim 1 lines 35-46 and claim 3 lines 64-67) of frequencies (carriers) from all said frequencies (carriers) (col. 7 lines 21-23, col. 7 lines 48-53, claim 1 lines 35-46 and claim 3 lines 64-67).

Regarding claim 4, Parkkila discloses storing the last frequencies (i.e. cell data containing a list of channels received from a cell of select networks before loss of service) available before disconnection (loss of service) from the network (claim 8 lines 28-44 and claim 10 lines 65-67) so that the first scanning sequence scans (reselection measurements on a received signal that has risen above a threshold level) said last available frequencies (i.e. reselection measurements on last BCCH carriers before lost of service, service may be re-established with said network) (col. 7 line 49 through col. 8 line 8 and claim 8 lines 46-56).

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Regarding claim 5, Parkkila discloses measuring the intensity (BCCH carrier strength) of the last available frequencies (BCCH carriers before loss of service) of the signal before disconnection (loss of service) from the network (col. 7 lines 25-35).

Regarding claim 6, Parkkila discloses frequency scanning (reselection measurements performed in step 304) is partial (only if channel is found in last BCCH has risen above a predetermined threshold) (col. 10 lines 28-56) only if the intensity (carrier strength) of the last frequencies (last BCCH) available exceeds a predetermined threshold value (within a path loss threshold value C1 or above a predetermined threshold) (col. 7 lines 30-67 and col. 10 lines 28-56).

3. Claims 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Klas et al..

The claimed invention reads on Klas et al. as follows:  
Regarding claim 9, Klas et al. discloses a terminal (user terminal) adapted to be connected to one or more radiocommunication networks (CDMA network or AMPs network) (fig. 6 and col. 9 line 39 through col. 10 line 61) operating on different frequencies (different channels) (col. 9 lines 47-55),

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said terminal (user terminal) including means (processor) for partially scanning the frequencies (CDMA channels) of the network using one or more sequences (i.e. partial search of previous acquired CDMA channels or partial search of specified CDMA channels) (col. 10 lines 30-61) each of which is associated with a predetermined list (specified list) of frequencies selected from all said frequencies (col. 10 lines 30-61).

Regarding claim 10, Klas et al. means (processor) for selecting (i.e. decides to perform) partial scanning of the various frequencies (CDMA channels) (col. 10 lines 30-40).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parkkila in view of Kallin et al..

Regarding claims 2 and 3, Parkkila discloses a method (fig. 3) of connecting to a radiocommunication network as discussed supra in claim 1 above. Parkkila differs from claims 2 and 3 of the present invention in that it does not explicit disclose said list of frequencies associated with each sequence does not vary and said list of frequencies associated with each sequence varies. Kallin et al. teaches said list of frequencies associated with each sequence does not vary (fixed) (col. 4 lines 35-38) and said list of frequencies associated with each sequence varies (i.e. frequencies learned based upon current environment) (col. 4 lines 35-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Parkkila list with said list of frequencies associated with each sequence does not vary and said list of frequencies associated with each sequence varies in order for the mobile station to rapidly select the best received signal after a loss of service by using the frequencies within the neighboring list which are fixed presented by the cell the mobile station is camped on or learned by the mobile station which replaces the frequencies within the neighboring list with frequencies that are stronger carriers for service which saves

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the mobile station time and energy when scanning for a better cell for service, as taught by Kallin et al..

6. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parkkila in view of Bamburak et al..

Regarding claim 7, Parkkila discloses a method (fig. 3) of connecting to a radiocommunication network as discussed supra in claims 1,4 and 5 above. Parkkila differs from claim 7 of the present invention in that it does not explicit<sup>ly</sup> disclose determining the number of last frequencies available before disconnection from the network carrying a signal of intensity greater than a predetermined threshold value. Bamburak et al. teaches determining the number of last frequencies available (i.e. a last frequency band of a last service provider) (col. 5 lines 7-9 and claim 1 lines 15-17) before disconnection (powering down) from the network (col. 7 lines 7-9), the service providers provides frequency bands across a spectrum which carry their service operator code (SOC) or system identification code (SID) which the communication device locks onto of the last service provider SOC or SID which is stored within the communication device memory (col. 4 line 63 through col. 5 line 19) that carries a signal of intensity greater than a predetermined threshold value (inherent, as the frequency band of the last



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service provider that is the signal received and examined to be within or above a threshold which the communication device lock onto is the optimal service provider for connection, as taught in col. 4 lines 6-9, col. 5 lines 9-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Parkkila with determining the number of last frequencies available before disconnection from the network carrying a signal of intensity greater than a predetermined threshold value in order for the mobile station not to do a full search of frequencies after a loss of service which saves time when locating a signal for connection and saves battery energy within the mobile station, as taught by Bamburak et al..

Regarding claim 8, Parkkila discloses a method (fig. 3) of connecting to a radiocommunication network as discussed supra in claims 1,4,5 and 7 above. Parkkila differs from claim 8 of the present invention in that it does not explicit disclose the frequency scanning is partial only if said number of last frequencies available carrying a signal of intensity greater than a predetermined threshold intensity is itself greater than a given number. Bamburak et al. teaches the frequency scanning is partial (inherent, when the communication device power up and

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detects if the last frequency band used has a more preferred service provider or is the optimal service provider and selects the last service provider, thereby not completing a full scan, as taught in claim 1 lines 15-17 and col.5 lines 7-19) only if said number of last frequencies (last frequency band of the last service provider) (claim 1 lines 15-17) available carrying a signal of intensity greater than a predetermined threshold intensity is itself greater than a given number (inherent, as the frequency band of the last service provider that is the signal received and examined to be within or above a threshold which the communication device lock onto is the optimal service provider is itself for connection, as taught in col. 4 lines 6-9, col. 5 lines 9-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Parkkila with the frequency scanning is partial only if said number of last frequencies available carrying a signal of intensity greater than a predetermined threshold intensity is itself greater than a given number in order for the mobile station to shorten its frequency scanning time by not completing a frequency scan of neighboring cells within a list of neighboring frequencies which saves the time locating a channel and saves the battery of the mobile station, as taught by Bamburak et al..


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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (703) 305-4888. The examiner can normally be reached on 6:30am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Keith Ferguson 

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November 3, 2003